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From: Matson, John
Sent: Tue 3/24/2015 6:23:31 PM
Subject: USG's Contentions in its 11-2-10 Submission

Jenny and Dan-

The first one is one we haven't already addressed. It is very akin to violations we'd pursued in the past against power companies for coal conveyors/loading equipment. I'll look at the case law to see where the courts ended up on those-I can't quite recall. Obviously if we don't have good case law on the first argument, it is fairly irrelevant what we come up with on the other two points.

The other two arguments we've already addressed in our referral, so I will largely use that, modified of course to make it appropriate to be released to USG. I'd imagine this will take about a week to ten days, depending on other assignments/cases, but I'll keep you posted.

Thanks.

John

USG'S CONTENTIONS

I. The Skip Hoist is Not an Emissions Unit, and a Modification to the Skip Hoist Does Not Trigger PSD and the Installation of BACT.

II. The Skip Hoist Modifications Had No Effect on Emissions.

III. The Skip Hoist Modifications Were Routine Maintenance, Repair, and Replacement, Not Major Modifications.